

**IN THE SPECIFICATION:**

Please amend the Specification as follows:

LD  
12/29/06  
(a) Please amend the paragraph beginning on page 11, line 23 and bridging into page 12, line 12, as follows:

When not all recording areas of the optical disk D satisfy  $A_k < T$ , the inspection result is not satisfactory (NO in ST3). Recordable areas are set by the recordable area setting section 26 (ST4). The area  $k$  (minimum  $k$ ) corresponding to the innermost one of the areas that do not satisfy  $A_k < T$  is defined as  $k_0$ . Of all recording areas of the optical disk D, areas 1, 2,...,  $k_0-1$  are recordable areas. When information (user information) has already been recorded in an area other than areas 1, 2,...,  $k_0-1$  of all recording areas of the optical disk D (YES in ST5), the optical disk D is handled as an unrecordable erasable disk (ST7 6). When information (user information) has not been recorded in an area other than areas 1, 2,...,  $k_0-1$  of all recording areas of the optical disk D (NO in ST5), the capacity of the areas 1, 2,...,  $k_0-1$  is handled as the capacity (recordable area) of the disk (ST6 7).